

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641DGC

**FIRST AMENDED SHORT FORM
COMPLAINT**

**AMANDA EASTER, INDIVIDUALLY
and on behalf of the Estate of JOSHUA
EASTER**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Joshua Easter

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

Amanda Easter, Representative for the Estate of Joshua Easter

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of implant:

North Carolina

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

North Carolina

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

North Carolina

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Middle District of North Carolina

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☒ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

October 5, 2015

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence Per Se

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

1 X Count XIII: Fraudulent Concealment

2 X Count XIV: Violations of Applicable North Carolina (insert state)
3 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
4 Practices

5 ☐ Count XV: Loss of Consortium

6 ☐ Count XVI: Wrongful Death

7 ☐ Count XVII: Survival

8 X Punitive Damages

9 ☐ Other(s): _____ (please state the facts supporting
10 this Count in the space immediately below)

11 _____
12 _____
13 _____
14 _____
15 _____

16
17 13. Jury Trial demanded for all issues so triable?

18 X Yes

19 ☐ No
20
21
22

1 RESPECTFULLY SUBMITTED this 8th of July 2019.

2 TAUTFEST BOND, PLLC

3 /s/ Monte Bond

4 Monte Bond

5 Texas Bar No. 02585625

6 5151 Belt Line Road

7 Suite 1000

8 Dallas, Texas 75254

9 Phone: (214) 617-9980

10 Fax: (214) 853-4281

11 mbond@tautfestbond.com

12 /s/ Jessica Glitz

13 Jessica Glitz

14 Texas Bar No. 24076095

15 5151 Belt Line Road

16 Suite 1000

17 Dallas, Texas 75254

18 Phone: (214) 617-9980

19 Fax: (214) 853-4281

20 jglitz@tautfestbond.com

21 ***Attorneys for the Plaintiff***

22 I hereby certify that on this 8th day of July 2019, I electronically transmitted
the attached document to the Clerk's Office using the CM/ECF System for filing and
transmittal of a Notice of Electronic Filing.

/s/ Monte Bond

/s/ Jessica Glitz